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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,344	07/03/2001	John T. Giles	TG3-101US	8262

24314 7590 06/04/2003

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EXAMINER

POKER, JENNIFER A

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/897,344

Applicant(s)

GILES ET AL.

Examiner

Jennifer A. Poker

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FA

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *General Status*

1. Amendment A filed on March 12, 2003, received in paper number 9 is acknowledged. Claims 1-9 have been amended and claims 17 and 18 were newly added. Claim 10-16 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6. Claims 1-9, 17, and 18 are pending and are being examined in their entirety.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7 and 18 are rejected under 35 U.S.C. 102(b) as being unpatentable by U.S. Patent Number 5,612,692 to Dugas, et al.

Dugas, et al, discloses a fully backlighted keyboard the keys comprising:

- (1) An upper surface having light transparent regions, (Abstract)
- (2) An opaque skirt and sidewalls, wherein the sidewalls may be transparent, opaque, or translucent; the skirt and sidewalls being attached to the upper surface, (Abstract)
- (3) A cavity found within the center of each key. (Column 2, lines 32-33)

Dugas, et al, states that most of the components may be molded from plastic, although other suitable materials may be employed. (Column 10, lines 55-56)

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(4) An LED is disposed on a printed circuit board beneath the keyboard for illumination. (Abstract)

(5) Indicia on the upper surface, which are illuminated by light from the LEDs, which passes through the translucent dome and is visible through the transparent upper surface. (Column 2, lines 36-39)

(6) A pair of opposed fingers with projections attached to the upper surface and extending downward to make contact with the switch. (Figure 4A)

4. Claims 8, 9, and 17 rejected under 35 U.S.C. 102(b) as being obvious over U.S. Patent Number 5,612,692 to Dugas, et al.

Dugas, et al, discloses the claimed invention except for the negative image and sublimation process.

Regarding claims 8 and 17, due to applicant's own admission (disclosure, page 8, line 14-16), "The preferred printing process is a heat transfer/sublimation process utilizing dye-bearing sheets in mirror-negative image of the preselected images. Such processes are well known in the industry." Applicant admits that one with ordinary skill in the art would have known that such process existed for utilization for the formation of the indicia onto the key cap in order to provide an image for an operator to see what key it is that he/she may be using.

Regarding claim 9, it is well settled that the presence of process limitations (sublimation process as claimed) in product claims, which product does not otherwise distinguish over the prior art, cannot impart patentability to that product. (*In re Johnson*, 157 USPQ 670 1968)

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### *Response to Arguments*

5. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejections, which are detailed above.
6. Objection to the specification/title is withdrawn.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Poker whose telephone number is 703-305-4037. The examiner can normally be reached on 6:00-3:30, Mon.-Fri. (alternating Fridays off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on 703-308-7619. The fax phone numbers for the organization

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where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

jap  
May 21, 2003

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2832  
5/30/03